

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

RONALD L. JOHNSON,

Petitioner,

v.

CIVIL ACTION NO. 1:05-00476

JERRY DETRICK, Warden,  
Potomac Highlands Regional  
Jail,

Respondent.

**MEMORANDUM OPINION**

Pending before the court is petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus. (Doc. No. 1.) By Standing Order entered July 21, 2004, and filed in this case on June 9, 2005, this matter was referred to United States Magistrate Judge R. Clarke VanDervort. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Standing Order directs Magistrate Judge VanDervort to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge VanDervort submitted his Proposed Findings and Recommendation ("PF & R") on July 18, 2008, recommending that this court dismiss the petition for writ of habeas corpus and remove this matter from the court's docket. (Doc. No. 5.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's PF & R.

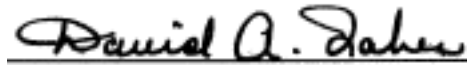
Under § 636(b), the failure of any party to file objections within the appropriate time frame constitutes a waiver of that party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985). Neither party has submitted objections to the PF & R, and the time period for doing so has now expired.

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge VanDervort, the court (1) **CONFIRMS** and **ACCEPTS** the factual and legal analysis set forth therein (Doc. No. 5), (2) **DISMISSES** the petition for writ of habeas corpus (Doc. No. 1), and (3) **DIRECTS** the Clerk to remove this action from the court's active docket. A Judgment Order of even date will be entered effectuating the court's ruling.

The Clerk is further directed to forward a copy of this Memorandum Opinion to petitioner and to all counsel of record.

It is **SO ORDERED** this 26th day of August, 2008.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
United States District Judge